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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,439	12/15/2000	Kevin B. Coleman	MPZ-001.02	9617

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EXAMINER

AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

14

# Office Action Summary

Application No.

09/738,439

Applicant(s)

COLEMAN, KEVIN B.

Examiner

Sana Al-Hashemi

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2171

### **DETAILED ACTION**

Claim Status: 1- 18 are rejected.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/2/2003 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plutowski (US Patent No. 6,473,851) in view of Plutowski's admitted prior art and (from here on referred to as "APA").

Regarding Claim 1, Plutowski discloses a method of associating different criteria on a page to at least one product, comprising:

Art Unit: 2171

receiving option selection based on the different criteria (see column 1, lines 43-65, Plutowski<sup>1</sup>);

Plutowski does not explicitly disclose the step of assigning membership grades to the option selections, relating the option selections to the products, and, forming a master membership grade for the products based on the option selection membership grades. However, Plutowski's admitted prior art (APA) does disclose the steps of assigning membership grades to the option selections, relating the option selections to the products, and, forming a master membership grade for the products based on the option selection membership grades (see Fig 1, steps a-j, column 15, lines 1-67, column 16, 1-11, Plutowski<sup>2</sup>). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Plutowski's system in view of (APA) to include the step of assigning membership grades to the option selections, relating the option selections to the products, and, forming a master membership grade for the products based on the option selection membership grades and the motivation would have been setting the values for each selection which helps the user make a better choice according to the values listed.

Regarding Claim 2, the combination of Plutowski/APA art discloses a method wherein receiving options selections based on different criteria further comprises receiving an initial option selection and a submitted option selection (see column 1, lines 49-53, Plutowski).

Regarding Claim 3, the combination of Plutowski/APA discloses a method wherein receiving option selections based on different criteria further comprises receiving at least one revised option selection (see column 1, lines 54-61, Plutowski).

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<sup>1</sup> Examiner interprets the actions as products.

<sup>2</sup> The examiner interpreting the term police as criterion

Art Unit: 2171

Regarding Claim 6, the combination of Plutowski/APA discloses a method further comprising updating the page in response to receiving the user's option selections (see column 9, lines 33-40, Plutowski).

Regarding Claim 7, the combination of Plutowski/APA discloses a method, wherein assigning membership grades to the option selections further includes, identifying a submitted option selection (see column 15, lines 7-9, Plutowski); and

assigning a greatest membership grade to the submitted option selection (see column 15, lines 9-11, Plutowski).

Regarding Claim 8, the combination of Plutowski/APA discloses a method wherein assigning membership grades to the option selections further includes;

identifying an initial option selection(see column 15, lines 12-14, Plutowski); and

assigning a second greatest membership grade to the initial option selection (see column 15, lines 15-18, Plutowski).

Regarding Claim 9, the combination of Plutowski/APA discloses a method wherein assigning membership grades to the option selections further includes:

identifying at least one revised option selection occurring between an initial option selection and a submitted option selection (see column 15, lines 19-22, Plutowski) and,

assigning respectively decreasingly valued membership grades to revised option selections based on order of occurrence (see column 15, lines 22-28, Plutowski).

Regarding Claims 10, 11, and 12, the combination of Plutowski/APA discloses a method wherein assigning a greatest membership grade to the submitted option selection further includes assigning the submitted option selection a membership grade of 1.0.

Art Unit: 2171

And assigning a second greatest membership grade to the initial option selection further includes assigning the initial option selection a membership grade of 0.9. and assigning respectively decreasingly valued membership grades to revised option selections based on order of occurrence, further includes, assigning membership grades to revised option selections based on a decrementing schedule of membership grades, the schedule have a greatest value of 0.8 and decrementing in one-tenth intervals, and assigning a membership grade of 0.0 to all membership grade values less than 0.0. (see Fig. 1C, Plutowski).

Regarding Claims 13, and 14, the combination of Plutowski/APA discloses a method further comprising incorporating membership grades for a redundant selection of an option selection into a single membership grade for the option selection, and the redundant membership grades for a redundant selection of an option selection, further comprises, recognizing only the highest membership grade for the option selection (see column 12, lines 17-33, Plutowski).

Regarding Claim 15, the combination of Plutowski/APA discloses a method further comprising providing the different criteria using at least one purchase decision question (see column 9, lines 51-61, Plutowski).

Regarding Claim 16, the combination of Plutowski/APA discloses a method wherein forming a master membership grade for the at least one products based on the option selection membership grades, further includes, scaling the option selection membership grades, and, averaging the scaled membership grades (see Fig. 1f, column 15, lines 36-42, Plutowski).

Regarding Claim 17, the combination of Plutowski/APA discloses a method wherein scaling the option selection membership grades, further includes:

Art Unit: 2171

identifying membership grades for an initial option selection (see column 15, lines 50-53, Plutowski);

identifying membership grades for at least one revised option selection (see column 15, lines 54-58, Plutowski), and,

dividing the membership grades for the initial option selection and the at least one revised option selections by the number of criteria (see column 15, lines 59-64, Plutowski).

Regarding Claim 18, the combination of Plutowski/APA discloses a method further comprising displaying the at least one products on the page based on the least one master membership grade (see column 14, lines 33-39, Plutowski).

2. Claims 4, and 5, are rejected under 35 U.S.C. 103(a) as being unpatentable over Plutowski/APA and further in view of Junkin (US Patent No. 6,493,717)

Regarding Claim 4, the combination of Plutowski/APA/Junkin discloses a method providing different criteria using at least one radio button selection scheme (see column 18, lines 26-33, Junkin).

Regarding Claim 5, the combination of Plutowski/APA/Junkin discloses a method providing the different criteria using at least one check-box selection scheme (see column 18, lines 16-25, Junkin)).

***Examiner response***

Applicant argues the combination of Plutowski and APA does not teach “the step of assigning membership grade to the option selection based on the criteria, assigning membership

grades to the option selection, relating the option selection to product, and forming a master membership grade for the products based on the option selection membership grades”.

Examiner disagrees. As mentioned in the first action dated 2/12/2003, examiner interpreting polices as criterion and these criterion are as claimed in claim 1 associated with product meaning the criterion includes the product. Since the action is treated as membership, Referring to column 21, lines 13-23, Plutowski does teach the in the action id which response to the product.

Applicant argues the combination of Plutowski and APA does not teach the use of different criteria.

Examiner disagrees. Referring to column 1, lines 43-65, Plutowski discloses different actions received from users as recommendations, which interpret by the examiner as criteria and rank the selection by the highest ranked action.

***Other Prior Art Made of Record***

1. Plutowski (US Patent No. 6,473,851) discloses a system for combining plurality of input control polices to provide a compositional output control policy.
2. Smith et al (US Patent No. 6,311,216) disclose method, computer program product, and system for client-side deterministic routing and URL lookup into a distributed cache of URLs
3. Takahashi (US Patent No. 5,005,1333) discloses system and method for automatically controlling a vehicle speed to a desired cruising speed.
4. Walker et al. (US Patent No. 6,108,639) discloses conditional purchase offer (CPO) management system for collectibles.



Art Unit: 2171

***Conclusion***


The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (703) 305-4881. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 746-9098. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

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Sana Al-Hashemi  
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October 6, 2003

  
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